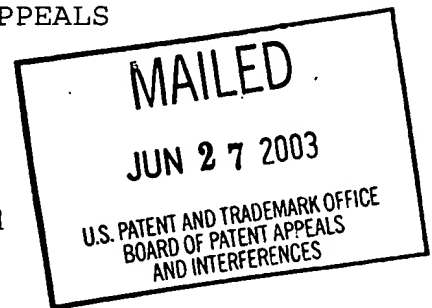


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JIANN H. CHEN,
JOSEPH A. PAVLISKO,
CHARLES C. ANDERSON and
ROBERT A. LANCASTER



Application 09/608,818

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (BPAI) on May 27, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner for correction of the matters identified below.

First, on April 29, 2003 (Paper No. 15), a Supplemental Information Disclosure Statement (IDS) was filed. A procedural review of the application file finds that the IDS has not been considered by the examiner.

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Second, a Reply Brief (Paper No. 16) was filed May 5, 2003, in response to the Examiner's Answer mailed March 18, 2003.

In accordance with the revision effective December 1, 1997, Title 37 CFR § 1.193 states:

(b)(1) ...The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

The application is being returned to the examiner for him to do one of two things: (1) vacate the original communication responding to the Reply Brief (Paper No. 17) and issue a new communication noting the Reply Brief without rebuttal, or (2) reopen prosecution in order to respond to the Reply Brief.

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the IDS and proper reply to the Reply Brief and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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Application 09/608,818

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